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TAGS: [PHUM](#) [KUNR](#) [UNGA](#) [PREL](#) [UNHRC](#)
SUBJECT: HUMAN RIGHTS COUNCIL: MOVING TOWARDS A VOTE ON
PGA TEXT

REF: A. (A) USUN 400

[1](#)B. (B) USUN 295

Classified By: Ambassador Alejandro Wolff, Deputy Permanent Representative to the United Nations, for reasons 1.4(b) and (d).

[1](#)1. SUMMARY AND COMMENT: On March 3, the Swiss and Liechtenstein PermReps reiterated to Ambassador Wolff that re-opening of the text of the draft Human Rights Council (HRC) resolution to accommodate core U.S. requirements is not a realistic option. They remain eager to identify whether there is anything "outside the text" that could help to address U.S. concerns. UNGA President Eliasson, who reportedly still hopes to bring the U.S. on board by "dissociating" itself from the text rather than breaking consensus, continues to rally support for his draft and to prevent efforts by others to open the text. Our interlocutors also indicate eagerness to explore mechanisms that might allow for U.S. participation in the HRC after its creation. Meanwhile, the Russian Mission Counselor told USUN that Cuba will call for a re-opening of the text when the draft resolution is presented and advocate for amendments. Action on the budget for the HRC took place March 3 in the ACABQ and is expected March 6 in the Fifth Committee -- where we intend to call for a vote and vote "no," consistent with our policy approach on the HRC draft -- this sets the stage for possible UNGA plenary action on the draft as early as next week. END SUMMARY AND COMMENT.

SWISS AND LIECHTENSTEIN SEEK TO AVOID A VOTE, BUT DON'T SEE RE-OPENING OF TEXT

[1](#)2. (C) On March 3, Ambassador Wolff met with Swiss PermRep Ambassador Maurer and Liechtenstein PermRep Ambassador Wenaweser to discuss UNGA President Eliasson's resolution text on the Human Rights Council. (Maurer and Wenaweser collaborate closely with Eliasson and have been used as sounding boards with us in the past.) They reiterated that it is not a realistic option to re-open the HRC draft, and questioned whether there is anything "outside the text" that could help to address U.S. concerns. They said Eliasson still hoped to bring the U.S. on board, and had not yet made a final decision on how he will move forward. Given clear U.S. statements regarding the PGA's draft resolution, they did not expect that the U.S. would support an unchanged text, but asked -- if the text is brought forward for action -- whether it would be possible for the U.S. to "dissociate" from the text rather than to break a consensus by calling for a vote; or if that was not possible, to somehow present a "soft" no vote.

[1](#)3. (C) Ambassador Wolff reviewed the U.S. position and key issues that would need to be addressed for the U.S. to support the text (State 32895). He reiterated U.S.

preference for a "cooling off" period if the improvements sought in the text were unattainable. He stressed that other delegations should not view bringing the resolution forward quickly for action as a means to pressure the United States to support an unchanged text. This was a mistaken tactic that would backfire. Maurer and Wenaweser suggested that perhaps the quality of membership issue could be addressed through other channels, such as a Community of Democracies (CD) decision for its members not to support the HRC candidacies of any state subject to Security Council sanctions for human rights violations. They suggested that if such agreement were reached, democracies could in effect block the membership of an unsuitable candidate. Ambassador Wolff noted that the CD was untested and members would have competing loyalties to their regional groups. Even if such a mechanism could be established, it would be a hollow exercise without a provision for election to the HRC by a 2/3 majority GA vote. Maurer and Wenaweser agreed that, in any case, there would need to be a change in the UN culture for elections and how delegations consider the candidacies of other Member States.

14. (C) Maurer and Wenaweser stressed the desirability of avoiding a U.S. call for a vote on the HRC resolution, wondering if it would be possible for the United States to dissociate from the resolution rather than break a consensus by calling for a vote. They also expressed concern about a possible "no" vote by the United States in the Fifth Committee, with Maurer in particular worrying about setting a precedent for voting in this Committee, particularly in advance of the management reform and budget negotiations. Ambassador Wolff recalled U.S. statements saying that, if there is an attempt to adopt the current text, the U.S. would call for a vote and vote "no". This logic also applied to the Fifth Committee vote. We were not seeking any linkage of our HRC position to other reform issues, and would not be

intimidated by this point. If others chose to do so, there was little we could do.

15. (C) Maurer and Wenaweser then questioned what impact a U.S. "no" vote would have on U.S. participation in the Human Rights Council (and at the upcoming CHR). Ambassador Wolff advised that we have not made any decisions on what, if any, relationship we would maintain with a body we would vote against. Maurer and Wenaweser indicated a willingness to continue to explore mechanisms to improve the package if doing so might help facilitate U.S. participation in the HRC after its creation. While they indicated they would need to consider measures "outside" the resolution text, Maurer did question whether "as the only possible change to the text itself" a shortening and strengthening of the review period for the HRC from five to three years would be helpful.

16. (C) At a March 3 lunch hosted by the Australian PR for a dozen PermReps from all regions to discuss the HRC, each expressed a desire for some arrangement that would allow the U.S. to participate in the new HRC (albeit not to a sufficient degree to agree to support opening the text to accommodate U.S. needs). They thought bringing this to a vote would be bad for the U.S., bad for the HRC, and bad for the UN. In particular, they feared the effect of an isolated U.S., the spillover onto the management reform debate, and the effect on the UN's human rights "machinery." They urged that we convey to Washington the depth of their concern and the hope that reconsideration would result in a decision not to block consensus by voting "no." Amb. Wolff said the U.S. understood the situation well, and others should not underestimate the seriousness of our position. The HRC debate was taking place against a backdrop of broader UN reform, and the inability to redress effectively the problems of the Geneva Commission would not reflect well on the institution.

RUSSIA PRESENTS A SLIGHTLY DIFFERENT VIEW

17. (C) Also on March 3, the Russian Mission Counselor told

USUN/ECOSOC Minister Counsellor that Russia will not call for a reopening of text, though he indicated provisions with which they are not entirely happy. If the United States or another Member State calls for an up-or-down vote, he said Russia is not yet sure how it will vote; Moscow instructions remain pending. However, Russia noted that Cuba has presented Eliasson with several amendments to the draft text, and claimed that when the draft resolution is presented, Cuba will call for a re-opening of the text and advocate for its amendments. (We are e-mailing to IO a copy of the Cuban proposals, which relate to the handling of country-specific resolutions, right to development, the number of HRC sessions, and OPs 7 and 8 of the Eliasson text.) He noted that Russia supports some of Cuba's proposals, but declined to offer specifics. Russia also claimed that many delegations now feel confused and they are wavering in their positions, mentioning Japan and Canada in particular.

¶18. (C) Russia concurs with the U.S. view that the process has been flawed. Russia recalled that from the beginning (during Outcome Document negotiations), Russia had called for an intergovernmental working group to conduct line-by-line negotiations on the Human Rights Council. However, he said some seven months have passed and Russia believes it is too late to try to commence such a process at this point.

¶19. (C) On the specific provisions of the text, he said, surprisingly, that Russia supports the U.S. position on the SC sanctions criterion (although the Russian delegation never voiced such support at any point before). Russia prefers a simple majority election process for HRC members, but he said Russia is prepared to compromise and accept the absolute majority provision in the current draft. Russia also opposes the provision for holding special sessions of the HRC. Finally, he voiced adamant opposition to any term limits for HRC members, which he described as a matter of principle.

MORE ON ACABQ AND FIFTH COMMITTEE ACTION ON THE HRC PBI

¶10. (C) On March 3 the ACABQ approved its report on the Program Budget Implications (PBI). The Fifth Committee is scheduled to consider the PBI on Monday, March 6. In a conversation with Ambassador Wolff, UK DPR Adam Thompson echoed concerns of Switzerland and Liechtenstein about a vote in the Fifth Committee on the PBI, saying that calling for a vote in the Fifth Committee would be "explosive" and would be seen as a provocation by the G-77 that would lead hardliners to argue more persuasively for voting on any management reform matters. (Comment: The G-77 has already set a precedent for voting in the Fifth Committee when they called

for a vote on conference servicing in December. This was the first vote in nearly 20 years in this Committee. End Comment.) Amb. Wolff said a "no" vote on the HRC budget followed logically our decision to vote no on the HRC.

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